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SENATE

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DR. WILLIAM J. BENNETT TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

MARCH 9, 1989.—Ordered to be printed

Mr. BIDEN, from the Committee on the Judiciary, submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany the nomination of Dr. William J. Bennett to be Director of National Drug Control Policy]

The Committee on the Judiciary, to which was referred the nomination of Dr. William J. Bennett of Maryland to be Director of National Drug Control Policy, having considered the same, reports favorably thereon, a quorum being present, by a vote of 13 yeas and 1 nay, with the recommendation that the nomination be approved.

I. BACKGROUND

The Committee held two full days of public hearings on the nomination on March 1 and 2, 1989. The nominee was questioned extensively on a variety of subjects pertaining to the duties and authorities vested in the Director of National Drug Control Policy (hereinafter referred to as the "Director"), the operation and jurisdiction of the Office of National Drug Control Policy (hereinafter referred to as the "Office"), his views on national drug control policy, and his experience in public service, particularly his tenure as Secretary of the Department of Education. He also answered additional written questions submitted by committee members. Public witnesses representing the League of United Latin American Citizens (LULAC) and the Association for Supervision and Curriculum Development (ASCD) also testified at the hearing.

In considering this nomination, the committee reviewed hundreds of documents and articles, including articles, speeches, state-

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ments, testimony and memoranda written by the nominee; past executive branch anti-drug policies and strategies; critical analyses by academic and field experts on virtually every aspect of the drug trafficking and abuse problem; numerous Congressional hearings and reports on federal anti-drug policy; and a comprehensive list of documents and articles on the nominee compiled by the Congressional Research Service.

In addition, the committee conducted an exhaustive review of the legislative history of the statute establishing the Office and the Director, the National Narcotics Leadership Act of 1988.

On March 9, 1989, a quorum being present, the committee voted, 13 to 1, to report the nomination with a favorable recommendation.

AYES	NAYS
Biden	Simon
Kennedy*	
Metzenbaum*	
DeConcini	
Leahy	
Heflin	
Kohl	
Thurmond	
Hatch	
Simpson	
Grassley	
Specter	
Humphrey*	

*By proxy.

II. The Nominee

Dr. William J. Bennett is 45 years old and was born in Brooklyn, New York. He received a bachelor of arts degree from Williams College in 1965; a Ph.D. in philosophy from the University of Texas in 1970; and a juris doctor degree from Harvard Law School in 1971.

From 1971 to 1981, Dr. Bennett served in a variety of academic positions. During these years, he has been an assistant to the president and assistant professor of philosophy at Boston University; assistant professor of philosophy at the University of Wisconsin, Madison; and the executive director and president of the National Humanities Center in North Carolina.

Dr. Bennett also has served in two major positions in the federal govenment. In 1981, President Reagan nominated Dr. Bennett to be the chairman of the National Endowment for the Humanities, a position he held until President Reagan asked Dr. Bennett to be the Secretary of Education. He was confirmed to that post by the Senate in February 1985 and served until September 1988. Dr. Bennett is currently the president of the Madison Center, a Washington D.C.-based public-interest organization.

Dr. Bennett's tenure at the Department of Education and the National Endowment for the Humanities gave him extensive experience in the administration and management of two major federal

agencies and a thorough understanding of the workings of the executive branch.

Dr. Bennett also has experience in the area of federal drug control policy, particularly in drug abuse education programs. In September 1986, at Dr. Bennett's direction, the Department of Education released the first edition of "What Works: Schools Without Drugs." He was also responsible for administering the drug abuse education grant program established by the Drug-Free Schools Act of 1986. In addition, Dr. Bennett served as a member of the National Drug Policy Board from March 1987 to September 1988. The board, which is scheduled to be abolished 30 days after the first Director of National Drug Policy is confirmed, has served as the highest-level drug policy mechanism for the federal government. Dr. Bennett has testified before Congress on several occasions on the drug issue and has made numerous speeches on the topic as Secretary of Education. In addition, the nominee submitted a number of written proposals to various executive branch officials on the subject of drug policy.

Some members of the committee, however, expressed concern about Dr. Bennett's lack of law enforcement experience, and several members of the committee discussed this with the nominee, as outlined below.

In sum, the record demonstrates that Dr. Bennett's proven experience in the executive branch, when combined with his strength of intellect, character and integrity, qualify him to lead the federal government's anti-drug effort as the first Director of National Drug Control Policy.

III. Hearings

During the hearings, committee members questioned Dr. Bennett on a broad range of issues relating to the drug problem in America, the federal government's past response to the drug problem and the nominee's views on the direction of federal anti-drug policy. Specifically, the committee focused its attention on four broad areas:

(A) The authorities and jurisdiction that Congress vested in the Director, including the authority to develop a National Drug Control Strategy and a consolidated National Drug Control Program budget;

(B) Substantive issues relating to federal drug control policy, including support for state and local law enforcement; the international aspects of drug control; the role that education, treatment and prevention efforts should play in the national strategy; the need for anti-drug programs to be integrated into general substance abuse programs; and the need for appropriate anti-drug resources at the federal level;

(C) Dr. Bennett's general philosophy on the drug issue, including the need to protect the civil rights and civil liberties guaranteed to all Americans under the Constitution; the appropriate role of the federal government in a national anti-drug effort; teaching that drug use is not a victimless crime; strict enforcement of drug trafficking laws; and the relationship between the Director and the Congress; and

(D) The operation and management of the Office, including the nominee's intentions relating to the selection of the Deputy Directors and Associate Director; the need for the nominee to devote his full-time attention to his responsibilites as Director; the nominee's views on affirmative action and minority hiring and recruitment; and the need for the nominee to establish objective and quantifiable benchmarks to measure the effectiveness of the National Drug Control Strategy.

A. AUTHORITIES, JURISDICTION AND STRATEGY

The chairman and several other committee members questioned the nominee at length regarding the authorities and jurisdiction that have been vested in the Director by the National Narcotics Leadership Act of 1988 (hereinafter referred to as the "statute"). This line of questions is particularly important at this time, since this is an entirely new position and the mandate and authorities that the President and Congress give to the first Director will largely shape how this Director and his successors operate for many years.

(1) *National Drug Control Strategy.*—The committee directed numerous questions to the nominee about the Director's responsibility to develop a comprehensive National Drug Control Strategy within 180 days after being confirmed. The committee emphasized that the statute mandates that the strategy must contain measurable and objective goals and explicit budget priorities. Dr. Bennett agreed with the need to set specific priorities, testifying:

> I do not see that we could recommend a strategy sensibly without also having specific and explicit budget recommendations.

(2) *General authorities.*—Chairman Biden questioned the nominee about his understanding of the Director's general authorities, particularly section 1003(b) of the statute which gives the Director the authority "to establish policies, priorities, and objectives" for anti-drug programs and activities. In response, Dr. Bennett testified:

> I do not know that I could do better than to refer to the chart that you had this morning. I think it lays out pretty clearly in showing that I am to develop an assessment and evaluation of the problem, consult with Congress, consult with relevant agencies . . . and then, two, to have this very independent evaluative responsibility vis-a-vis the budget makes it clear that this is a serious matter of direction and coordination. (See appendix for charts).

(3) *Budget authorities.*—In regard to follow-up questions by Chairman Biden regarding the Director's budget authorities, Dr. Bennett replied:

> If anybody thinks that [I am] just there for advice, [I] will surely get their attention once they realize [I] certify their budgets. In Washington, that talks. That makes a difference. . . . On [the] budget, agencies submit budgets to the Director of National Drug Control Policy and OMB. As I

> understand it, it is even further broken down than that. That is, sub-parts of agencies are to submit their budgets . . . to me and to [agency and department heads] simultaneously. . . . Not only is there a degree of independence in terms of OMB vis-a-vis a department's budget, but a degree of independence in relation to a Cabinet Secretary vis-a-vis his own sub-departments.

(4) *Specific authorities.*—Several other committee members addressed questions to Dr. Bennett about the Director's specific authorities under the statute. Senator DeConcini questioned the nominee about the need for the President to demonstrate support for the Director, including the possibility that the President might need to issue an executive order further delineating the Director's authorities. Dr. Bennett replied:

> Given what the President has said to me, that in addition to the legislation and consistent with the legislation where we need something from the President by way of executive order or memorandum that he will give it to us.

And in subsequent testimony, Dr. Bennett stated:

> We were saying earlier that we expect the President to issue a memorandum to all agencies and departments of governments that from A to Z, soup to nuts, if it is about drugs we have to know about it and be involved.

Several committee members questioned the nominee about his authority to designate certain areas of the country as "high-intensity drug trafficking areas." Dr. Bennett stated that he does not believe the statute restricts the Director's authority to designate such areas:

> [W]e shouldn't have too many [high-intensity areas] so that we are spreading our resources too thin. That is a general principle. Second, we should try different things in different places it seems to me. And third, we have to be prepared to designate some of these areas on the basis of emergency or near-emergency situations.

Senator DeConcini also asked the nominee about the Director's statutory authority to reassign federal personnel, and, more specifically, whether Dr. Bennett would hesitate to speak with the President if any agency head objected to the reassignment.

(5) *Mandate from the President.*—Finally, several Senators questioned Dr. Bennett about the mandate he had received from the President, particularly his willingness to go to the President when necessary to resolve policy and budget issues. Dr. Bennett testified:

> When the President said to me that I had access to him and that we would have a lot of one-on-one conversations, and yesterday at the Cabinet meeting he said I will probably have more one-on-one conversations with Bennett than with many of the rest of the Cabinet, I said to him that we are going to [need] one-on-ones for sure, but we are going to need some one-on-twos [with other Cabinet members]. And that is very important.

B. SUBSTANTIVE ISSUES RELATING TO FEDERAL DRUG CONTROL

(1) *Supply vs. demand.*—The committee expressed concern about the need to mount a balanced approach between supply and demand reduction programs in the context of a coordinated national anti-drug strategy. Several Senators questioned Dr. Bennett about the balance between supply and demand programs, as required by section 1005(a)(2) of the statute.

For example, in response to questions by Senator Kennedy about the need to place greater emphasis on demand reduction programs as provided in the Anti-Drug Abuse Act of 1988, Dr. Bennett stated:

> I think . . . that we need to work on both supply and demand. Do I have a percentage distribution? I do not. I think that has to follow the determination of strategy. Strategy should be based on what works. . . . I think we need better information about what is effective, about what is proved to be effective, about what works, and I have been studying this. . . . [T]he dollar spent on the demand side, if spent in a certain way, can often be more effective than the dollar spent on the supply side, if spent in a certain way. But those qualifications are important.

(2) *Federal anti-drug resources.*—The committee also discussed the general need for increased federal resources that are devoted to fighting drug trafficking and abuse. Dr. Bennett agreed, stating:

> I also indicated [to OMB director Darman] that I thought an increase would be the right thing to do, not only in terms of the right signal, but substantively sensible. And he said he agreed. He said it is a tough year, but we will find what we can. The rest of the conversation I said, and you know I will be back in six months. And he said, yes, I know, I know you will be back in six months, and we are interested to talk about it too.

(3) *Foreign policy.*—Several Senators questioned the nominee about the role that international narcotics control should play in the national strategy and the manner in which the Director will interact with the Secretary of State in determining the priority of drugs on the U.S. foreign policy agenda. Senator Leahy expressed his belief that the Administration's fiscal 1990 request for $115 million for the State Department's international narcotics program was insufficient, particularly in comparison to the billions of dollars controlled by South American drug traffickers. Dr. Bennett agreed, stating:

> I talked to Secretary Baker about this already. And I think as we look to . . . eradication, [crop] substitution . . . all sorts of treaties and agreements, that we have to strengthen not only the financial commitment in that area, I think that is almost for sure, but also strengthen the position of drugs and drugs as a problem in our foreign policy.

Several Senators also questioned the nominee about what role he intended to play in the decision-making process for the annual nar-

cotics certifications by the President, pursuant to the Foreign Assistance Act. Dr. Bennett testified that he would be direclty involved:

> What I am there for, it seems to me, Senator, is to be sure that the issue of drugs has a central place in our deliberations and dealings with these countries, and when we get to the question of certification, that we take a good, hard and conscientious look about the record in terms of drugs. . . . We agreed, the President and I, that I would be central to these discussion[s] in the future.

Dr. Bennett also indicated that he wanted to utilize the National Security Council in coordinating U.S. international narcotics control policy. Dr. Bennett specifically stated:

> . . . I have asked the President for and that he has agreed to provide—and I asked General Scowcroft as well—is the NSC, National Security Council. We will use the NSC as a vehicle for executive branch inter-agency discussions on drug-related security matters. That means General Scowcroft will sit at one end of the table, I will sit at the other, the relevant agencies given the issue will be there to discuss it. And once we come to some conclusions, that will be that.

(4) *Interdiction/Use of the Military.*—Several committee members questioned the nominee on a number of specific issues relating to interdicting drugs at the U.S. border and on the use of the military in anti-drug efforts. In response to questions by Senator Heflin about the appropriate role for the military, Dr. Bennett testified:

> There are a lot of things the military has already done that have been helpful here and there in the effort: provide intelligence, provide equipment, radar equipment, provide helicopters. . . . In this campaign against drugs, no allies are to be refused. The military is a very important part of our strength. I think a case can be made pretty convincingly that drugs pose as serious a threat to our nation's well-being as any right now in an immediate sense as anything we can consider.

Dr. Bennett later testified about specific areas in which the military could become more involved, particularly in providing intelligence to civilian law enforcement agencies:

> The one thing that I think that we could certainly take greater advantage of, is the use of defense intelligence, which is considerable.

(5) *Federal law enforcement.*—Numerous Senators questioned the nominee about issues relating to federal drug law enforcement efforts. Several Senators expressed specific concern about the need for more prosecutorial, ajudicative and corrections resources to alleviate the current bottle-neck in the federal system. Dr. Bennett testified at some length about the need to make sure that the criminal justice system has the resources necessary to make credible the threat of law enforcement sanction. He stated:

> [W]e have to look and ask the hard questions about the machinery of justice, not just about the laws, but do we have the resources? Do we have the prosecutors? Do we have the judges? Do we have the space? And what kind of alternatives might we think about? If you just look at the process and say, . . . we need more police . . . but you do not add more people in the rest of the system, you will end up with more . . . arrests, but as soon as they are arrested, they are back out. . . . That will, in the end, decrease the very important thing we need in this effort . . . public opinion.

(6) *Demand reduction.*—Several Senators questioned Dr. Bennett about his specific views on the role of drug abuse education and treatment programs in the national strategy. When asked by Senator Metzenbaum whether the government should attempt to provide some financial underwriting for treatment programs for those unable to pay for treatment themselves, Dr. Bennett responded:

> I certainly think the federal government has a role to play here. One of the questions the federal government needs to ask that I think perhaps it can answer better than the others is what is appropriate treatment? What works? What is effective? . . . I view this office, the office of national drug control policy, as having . . . clearly within its purview, the whole question of treatment and budget for treatment.

Senator Kennedy described the results of several studies reflecting the effectiveness of drug abuse education programs and asked the nominee about his views on that subject. Dr. Bennett replied that education can be effective, although not every education program is effective:

> I believe that certain kinds of education works, but . . . we cannot be confident that we have got the right kind of drug education program in all those schools.

And in response to Senator Grassley, Dr. Bennett stated that he believes we have a solid base of knowledge about what form of drug education programs work in the schools:

> I view education not just as a concatenation of courses, a curriculum, but also as the policy set by the school and followed by the school, and the examples of the adults in the school. Viewing drug education in that way, we can take a larger view of what it should be. It should be early course instruction about the dangers of drugs, and, second, it should be a good example on the part of adults in the school. And, third, it should be a clear and unambiguous school policy. The reason I think it is worth pausing on these three and emphasizing them is that in this dreadful business, in this war, [education] is, frankly, one of the few fronts on which we can show some progress.

(7) *Treatment.*—Senator Kennedy indicated his strong belief, based on expert testimony and well-documented studies [1] provided to the Labor and Human Resources Committee, which he chairs, that treatment is effective and should be a key part of the national strategy. In response, Dr. Bennett testified:

> . . . most Americans think that . . . it is worth spending a lot of money on good treatment programs. . . . The question is do we have good treatment programs . . . and how can we maximize having more of the good ones.

Dr. Bennett further stated that "some [treatment therapies] can be effective," but indicated that the evidence of the effectiveness of existing treatment programs for "crack" cocaine abuse is questionable.

(8) *State and local law enforcement.*—Several Senators expressed concern about inconsistent federal support for state and local law enforcement agencies. When asked about whether the Administration supports such funding, Dr. Bennett stated:

> I am pleased to say that [the Administration] is recommending, and I would imagine we would continue to recommend strong and continued, and additional support for local law enforcement. They are some of the people in the trenches, working the hardest.

Dr. Bennett recognized that specific state and local law enforcement programs have been successful, including an intensified street crime enforcement program in Lynn, Massachusetts. Regarding the specific components that have made such programs successful, Dr. Bennett testified:

> One of the reasons for their success is . . . not just that there is a new, special narcotics unit, but tied to that special narcotics unit is a special prosecutorial unit. And the next unit, a judicial unit, right down the line.

(9) *Alcohol, tobacco and other drugs.*—Several Senators asked Dr. Bennett about his views on how federal anti-drug programs dealing with controlled substances should be coordinated with other federal substance abuse programs. Dr. Bennett acknowledged that Congress intended that such all substance abuse programs be fully coordinated and indicated that general substance abuse programs should address all substances of abuse. In response to a question from Senator Metzenbaum, Dr. Bennett said:

> I think common sense would dictate, that when we are talking about just what you mentioned, education programs, prevention programs, that we would want to talk to young people about the connections and the links between cigarette smoking, alcohol, and controlled substances. . . . [I]f you can discourage a lot of young people from smoking

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[1] E.g., Collins, "Crime Control and Economic Benefits of Drug Abuse Treatment," report by Research Triangle Institute for National Institute of Justice, U.S. Department of Justice (June 1987); Simpson, "Addiction Careers: Etiology, Treatment and Twelve-year Follow-Up Outcomes," Journal of Drug Issues (1987).

> you will probably have discouraged a lot of young people from taking illegal drugs.

Chairman Biden questioned Dr. Bennett on the need to ensure that substance abuse programs deal with the problem of abuse of anabolic steroids, particularly by young athletes. Dr. Bennett agreed that such programs should be fully coordinated, emphasizing the role of education:

> I think that when you start to introduce students to ideas about themselves and the kinds of activity that is worthy of themselves, taking care of their bodies, taking care of their minds, not having a personality that is . . . bought with money and chemically derived . . . the benefits of exercise and the problems with things like steroids, that may be in long run the most effective thing we can do.

C. DR. BENNETT'S PHILOSOPHY ABOUT DRUG ISSUES

(1) *Civil Liberties.*—Chairman Biden and Senator Kohl expressed concern that if the government were not successful in enforcing the drug laws, we will begin to see efforts to curtail constitutional rights and civil liberties, and, in the most extreme circumstances, citizens "taking the law into their own hands." Dr. Bennett agreed, stating:

> If people in a community think that law and order does not work, that playing by the rules does not work, then we might see something as fearsome, which is that very odd expression, "taking law into one's own hands." But a few of the police officers I have spoken to have said: "We have got to get hold of this thing because some people are getting very impatient."

In the same exchange with the Chairman, Dr. Bennett attested to the importance of ensuring that the effort to fight drugs was not carried out at the expense of civil liberties. With respect to such liberties, he said:

> They are the base; they are the cement; they are the anchor; they are what sometimes causes us difficulty in waging wars against people who do not observe these. But these are the ends for which we do all this. You cannot destroy the fabric and the foundations of the country in an effort to save the country.

Dr. Bennett also indicated that he had found the police generally to be very sensitive to the need to protect constitutional rights, and that he did not believe the police had found the protection of those rights to be a hindrance to enforcing the drug laws. In response to Chairman Biden's questions, he said:

> In talking to the police—and they are very sensitive about this kind of thing—I have not in any of my discussions about the drug problem heard any of them say: "Well, the problem is the right to counsel, or the problem is the Miranda warning."

(2) Several Senators expressed concern about Dr. Bennett's views on the appropriate federal role in anti-drug efforts, particularly given the nominee's past statements about the limited role the federal government should play in general education issues. In response to a question from Senator Specter about the appropriate federal role in drug control efforts, Dr. Bennett said:

> On the issue of drugs, the federal government is emphatically a major player. . . . [T]he drug problem represents those issues of concern which it is the business of the government to address, life, liberty and the pursuit of happiness.

(2) *Consultation with Congress.*—The Chairman and Ranking Member also asked Dr. Bennett how he planned to fulfill his responsibility to consult with Congress in formulating the national drug control strategy. In response to Senator Thurmond, Dr. Bennett said that he viewed the Judiciary Committee as the lead committee on the issue, and that he welcomed the input of all Members of Congress.

> Well, I take this committee to be one of the lead if not the lead committees on this issue. And we have already begun a good conversation. I do not think there is much problem in terms of the consultation. . . . But on every single issue, Senator, that we address in terms of strategy we want the input of Members of Congress who are knowledgeable and interested, on every single issue.

D. OPERATION AND MANAGEMENT OF THE OFFICE

(1) *Selection of deputies and associate directors.*—Chairman Biden asked the nominee whether he intended to fill one of the two Deputy Director positions with someone who has law enforcement experience. In his response, Dr. Bennett said that he felt that he needed senior staff with expertise in a number of different areas including law enforcement, foreign relations, medicine and pharmacology, and the budget process. In response to the Chairman's specific concerns about the importance of the deputy director for supply, particularly given Dr. Bennett's lack of law enforcement experience, the nominee replied:

> [C]ertainly we need a significant person in a position of leadership with that kind of law enforcement . . . experience.

(2) *Affirmative action.*—Senators Metzenbaum and Simon questioned Dr. Bennett on his commitment to hiring minorities. Specifically, the Senators questioned Dr. Bennett about his minority hiring record and his refusal when he headed the National Endowment for the Humanities and the Department of Education, to comply with affirmative action guidelines promulgated by the Equal Employment Opportunity Commission. In response to Senator Metzenbaum, the nominee said:

> We will make a special effort to fill positions, the responsible positions, with the best people we can find, taking into account that for a number of these positions

> the best people we can find will mean looking for people who will be able to speak with authority and sympathy and understanding to various aspects of the American community, which we recognize to be diverse.

And in an exchange with Senator Biden, Dr. Bennett expanded on this statement, indicating that it made "perfect sense" for law enforcement agencies to hire minorities in order to enhance their ability to infiltrate emerging organized crime groups that were based in ethnic communities.

(3) *Full-time attention.*—The committee also emphasized to Dr. Bennett that he needs to devote his full-time attention to his responsibilities as the Director. In particular, several Senators expressed concern that Dr. Bennett not diminish his credibility on the drug issue by speaking out frequently on controversial issues that are not drug-related. In response to questions from Chairman Biden about the need to devote his full attention to the Office, Dr. Bennett replied:

> I think there is plenty to keep me busy on this beat. I do not go into this job with any sense that this is going to be something we can handle in six months, a year, 18 months, 24 months, and that there will be lots of time left over to issue advisory opinions about other things. This will be a full-time position, and I plan to focus on it.

And in response to concerns raised by Senator Metzenbaum, Dr. Bennett stated:

> As I told Chairman Biden, I don't plan to make politics a part of this beat at all. I will speak out on this issue but it will not be in a political way. . . . There is no reason or excuse to . . . do this job or be criticized [by others] for any kind of political motivation. It is too serious.

IV. Public Witnesses

The committee heard testimony from two public witnesses: Mr. Jose Garcia De Lara, the National President of the League of Latin American Citizens (LULAC), and Dr. Cynthia Warger of the Association for Supervision and Curriculum Development. Mr. De Lara expressed concern about the Bennett nomination based on the policies Dr. Bennett pursued as Secretary of Education. In response to the concern that Dr. Bennett would not bring to his new responsibilities a sensitivity and understanding of the unique drug problems affecting Hispanics, Chairman Biden asked Mr. De Lara to outline the special needs of the Hispanic community. Chairman Biden noted that the serious drug problems in the Hispanic and minority communities warrant concern and promised to convey this concern to Dr. Bennett.

The Association for Supervision and Curriculum Development, which represents 118,000 educators, opposed the nomination of Dr. Bennett on the basis that he had failed to demonstrate leadership qualities as Secretary of Education and that he did not possess the requisite background to lead the government's anti-drug efforts. Chairman Biden, noting that no one person could possess all the

qualities outlined in the statute, stated that Dr. Bennett's abilities as an educator would serve him well in this position.

V. Conclusion

The committee finds that Dr. Bennett is qualified to fill the position of Director of National Drug Control Policy. The committee remains concerned, however, about some substantive drug policy issues, which by necessity will have to be addressed when the Director submits his first strategy.

However, on the basis of Dr. Bennett's record of distinguished public service and his responses to extensive questioning during the confirmation hearing, the Committee on the Judiciary recommends, by a vote of 13 to 1, that William J. Bennett be confirmed to be Director of National Drug Control Policy.

ADDITIONAL VIEWS OF SENATOR EDWARD M. KENNEDY—SENATE JUDICIARY COMMITTEE REPORT ON THE NOMINATION OF WILLIAM J. BENNETT, MARCH 9, 1989

Dr. Bennett's credentials are impressive and he has demonstrated both an ability and a willingness to grapple with the various aspects of the drug problem. Dr. Bennett and I have not always agreed on the issues, but he has been an effective advocate for the Administration's policies. He has spent a great deal of time over the past several years examining many of the issues he will face in his new position.

The nation is at a critical turning point in the war on drugs. In light of the severe budget constraints we face, the greatest challenge may well be to spread our limited resources in the most effective possible way. As the Committee Report demonstrates, Dr. Bennett understands that a winning strategy against drug abuse involves three approaches: law enforcement, prevention, and treatment. Each is vital, and none can be downgraded or ignored.

If I have any concern about Dr. Bennett's qualifications, it is his past commitment to hardline approaches that place too little emphasis on drug abuse prevention and treatment. There is no army large enough to keep drugs from crossing our borders. We do not have the resources to apprehend or imprison every pusher and supplier. The evidence is clear, however, that prevention and treatment programs work. Congress has expanded the federal education effort significantly, but we are far short of the investment in prevention and treatment that we need to make acceptable progress in this battle.

Last year, Congress clearly indicated its intent to balance our extensive national investment in interdiction and law enforcement with an equal emphasis on education and treatment. The President's budget does not yet reflect this priority, and I hope that we can work together with Dr. Bennett to attain it.

Even on the enforcement side, wiser policies are needed, especially at the state and local level—where the real war is fought every day on our streets and in our communities. State and local law enforcement funding is an item which the past administration consistently and unsuccessfully sought to cut or eliminate. We need to put an end to this dispute, and see to it that needed funds are there.

In addition, I believe the issue of assault weapons deserves the attention of the Director for National Drug Control Policy. For those who wondered whether senseless drug-related killings in America could get worse, the answer lies in the fact that gruesome killings caused by easily obtained assault weapons are becoming all too frequent. The ease with which these weapons can be obtained is fueling the arms race on the streets of every community in America. William J. Bennett raised these concerns early last year in a

memorandum to then-Attorney General Meese. In that memorandum, which Dr. Bennett provided to me and which I submitted as part of the confirmation hearing record, together with other memoranda Dr. Bennett authored on the drug issue, he stated:

> The easy access to firearms has put increasing firepower in the hands of drug traffickers. We should consider supporting legislation to better manage the production, importation, and sale of automatic weapons and other firearms, as sought by the major law enforcement organizations.

Dr. Bennett commented at his hearing that he continues to have personal concerns on this issue, but chose to reserve judgment for six months. President Bush has indicated that he is now giving serious consideration to this issue in light of Dr. Bennett's remarks. It is my hope that these comments reflect an understanding of the tragic linkage between drug-related crime and the proliferation of firearms, particularly assault weapons.

MINORITY VIEWS

If we're going to win the war on drugs, the last thing we need is a drug czar who is mostly talk and too little action.

The Director of National Drug Control Policy will hold one of the most important positions in our government—overseeing the formation and implementation of a federal drug control strategy. Our nation's drug problem is no longer a city problem or a rural problem. Drug abuse is affecting Americans of all ages, rich and poor, black and white, from the smallest town in Illinois to the streets of our nation's capital. There is no simple solution to this insidious problem.

The mission of the Director is equally complex, for that individual is being called upon to coordinate more than forty federal agencies, state and local governments, and the American people, to synthesize and implement the ideas which will lead to ending the violence and suffering long associated with illegal drug use. The Director will need to be foremost a manager, a mediator, a problem solver. Rhetoric, no matter how eloquent, is no substitute.

It is because of the nature and importance of this job that I have serious concerns as to whether William Bennett should fill it. If we were to elect a national gadfly, Bill Bennett would get my vote. But the Director, above all else, needs to be a conciliator, one who can listen to numerous and varied viewpoints, and meld those ideas into a comprehensive strategy. I am not sure that Mr. Bennett can be that person.

At both the Department of Education and at the National Endowment for the Humanities, the programs Mr. Bennett has administered have been poorly tended. He has been quick to criticize but has shown less attention to running an agency. His rhetoric has been tough, but his management weak.

Part of the job of manager is to grasp the problem and act aggressively to solve it. This is another concern. As Secretary of Education Mr. Bennett advocated cutting the budget for drug abuse education in half in fiscal year 1988. To me that demonstrates a lack of understanding of the importance of prevention in the war against drugs.

In another management area, I am also troubled by Mr. Bennett's record in regard to women, minorities, and the disabled. As head of both the National Endowment for the Humanities and the Department of Education, he refused to comply with the Equal Employment Opportunity Commission mandates calling for submission of affirmative action plans. The scourge of drugs has been especially devastating to minority communities. The Director needs particular sensitivity to solve this problem. Mr. Bennett's responses to my questions in this area left me concerned that he lacks that sensitivity.

Finally, like other Senators on this Committee, I believe that the individual holding this position should have some amount of law enforcement experience. Mr. Bennett has no such experience, and his education experience is not positive enough to outweigh this deficiency.

I have known Mr. Bennett for many years, before he came to Washington, when he was with the Center for Humanities in North Carolina. He appeared before me in committees when he was Chairman of the National Endowment. I had concerns then about his management style. Despite these reservations, I supported him for Secretary of Education. I must confess I was disappointed by his performance. While his well-publicized remarks contributed to much public discussion of education issues, his lack of management left no one minding the store.

I have had philosophical differences with Bill Bennett, but my concerns are not about philosophy. They are about competent management in a sensitive job. We need a really solid job done, not a blizzard of press releases.

The job of Director of National Drug Abuse Policy is too important, the problems faced by the Director and the nation too serious, for me to support William Bennett for this position. I recognize that I may be the only "no" vote. I do not expect to stop this confirmation. But I want to send a signal to Mr. Bennett that I will be watching closely. I hope he proves me wrong, for every American is counting on his success in the job he undertakes.

PAUL SIMON.

DEVELOPING A NATIONAL DRUG STRATEGY WITHIN 180 DAYS

STRATEGY

STEP 1. Director makes independent analysis of problem

STEP 2. Seeks views of agency heads, Congress, outside experts

STEP 3. Submits detailed, specific strategy to President

STEP 4. President approves strategy

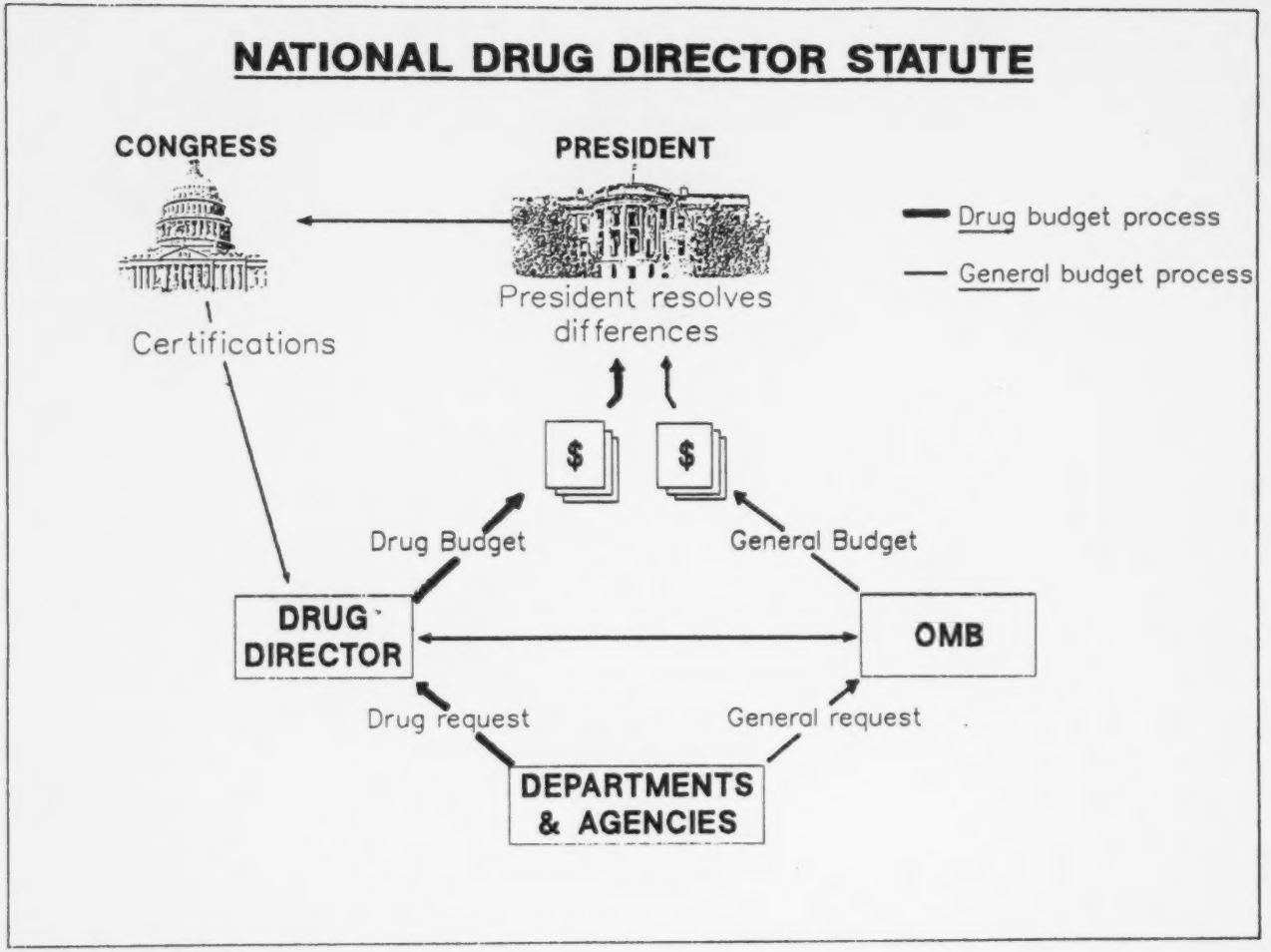
BUDGET

STEP 5. Agencies submit budgets to Director/OMB

STEP 6. Director certifies requests, drafts consolidated budget

STEP 7. President resolves any director/OMB differences

STEP 8. Congress reviews compliance through budget certifications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DEPARTMENTS & AGENCIES